
SENATE BILL No. 204

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-7-4.

Synopsis: Township joinder. Prohibits a municipality from exercising "buffer zone" jurisdiction over any part of a township that it is subject to a joinder agreement with the municipality: (1) while the joinder agreement is in effect; and (2) after the township withdraws from the joinder agreement. Prohibits a municipality from terminating a joinder agreement: (1) if the township has certified a petition to put a question on the ballot to township voters about whether the township should withdraw from the joinder agreement; and (2) until the voters vote against withdrawing from the joinder.

Effective: July 1, 2009.

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January 7, 2009, read first time and referred to Committee on Local Government.

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First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

SENATE BILL No. 204

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 36-7-4-1210.5, AS AMENDED BY P.L.39-2007,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2009]: Sec. 1210.5. (a) ADVISORY. As used in this section,
4 "municipality" refers to the most populous municipality in the
5 jurisdiction of the plan commission.
6 (b) ADVISORY. This section applies to a plan commission
7 operating under a joinder agreement:
8 (1) in a county having a population of more than one hundred
9 eighty thousand (180,000) but less than one hundred eighty-two
10 thousand seven hundred ninety (182,790); and
11 (2) containing:
12 (A) a township having a population of more than eighteen
13 thousand (18,000) but less than twenty-five thousand (25,000);
14 or
15 (B) a township having a population of more than nine
16 thousand (9,000) but less than fifteen thousand (15,000).
17 (c) ADVISORY. Notwithstanding section 1210 of this chapter, a



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plan commission described in subsection (b) shall have nine (9) members as follows:

(1) Four (4) members who are residents of the municipality, to be appointed for four (4) year terms by the executive of the municipality.

(2) Three (3) members who are residents of the municipality, to be appointed for four (4) year terms by the legislative body of the municipality.

(3) Two (2) members who are residents of the township, to be appointed for four (4) year terms by the township executive with the approval of the township legislative body.

(d) The joinder agreement expires if the municipality annexes the entire area of a township described in subsection (b)(2).

(e) **Except as provided in subsection (f),** a joinder agreement under this section may be terminated if:

(1) the municipality adopts an ordinance terminating the joinder agreement;

(2) before adopting the ordinance under subdivision (1), the municipality conducts a public hearing on the issue of terminating the joinder agreement; and

(3) the executive of the municipality provides written notice to the township executive of the township subject to the joinder agreement that states the reason for the municipality's termination of the joinder agreement.

(f) If a petition is certified under section 1212(b) of this chapter, a municipality may not adopt an ordinance terminating a joinder agreement unless and until the voters of the township vote against withdrawing from the joinder agreement.

SECTION 2. IC 36-7-4-1212 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1212. (a) ADVISORY. Because long range planning studies of population, land use, schools, recreation, and public ways involve substantial expenditures, a township that joins with a municipality or county may not withdraw from the joinder, unless:

(1) the municipality or county has consolidated on an area basis its planning and zoning activity under other law; or

(2) a petition, requesting a referendum on the question "Shall the township withdraw from joinder with (the municipality), or (the county), for planning and zoning purposes?", is sent to the township executive and is signed by at least the number of the voters of the township required under IC 3-8-6-3 to place a candidate on the ballot.

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(b) If the petition is received, the township executive shall certify the petition to the county election board under IC 3-10-9-3. The board shall place the question on a ballot to be submitted at the next general election for the township in the form prescribed by IC 3-10-9-4. If:

(1) the township repays the amount expended for planning and zoning purposes that exceeds the amount contributed by the township; and

(2) a majority of the voters voting in the election vote in the affirmative;

the township may withdraw from its joinder with the municipality or county.

(c) As used in this subsection, "municipality" and "township" refer to a municipality and a township that are subject to a joinder agreement. A municipality may not adopt an ordinance under section 205 of this chapter designating any part of the township within the jurisdiction of the municipal plan commission:

(1) while the joinder agreement is in effect; or

(2) after the township withdraws from the joinder agreement under subsection (b).

(d) If a petition is certified under this section, a municipality may not terminate a joinder agreement unless and until the voters of the township vote against withdrawing from the joinder agreement.

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